



November 15, 2013

The Honorable Thomas Wheeler, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte Notice*

*GN Docket 12-268; GN Docket 12-269; GN Docket 12-354; ET Docket 13-49; GN Docket 13-185;
WT Docket 13-238*

Dear Chairman Wheeler:

In your inaugural blog as Chairman, you spoke of the FCC as the “optimism agency.” This forward-thinking vision of the Commission rang very true for those who care deeply about the nation’s future as the global leader in wireless innovation and mobile broadband deployment and adoption. My colleagues and I at Mobile Future, along with our members, all share your sense of optimism and believe that for America’s mobile citizens even more progress, possibility, and potential is still ahead.

As you and your team begin your work, we at Mobile Future would like to share with you what we believe should be among the highest priorities for the FCC in the coming years.

Above all, given the unique role that mobile broadband plays for increased productivity, empowerment, opportunity, and prosperity for all Americans, the FCC must maintain – and reinforce – its efforts to make essential spectrum resources available.

To advance this goal, we ask that you consider giving immediate priority to the following spectrum issues:

Advancing Spectrum Auctions. Spectrum exhaust already threatens cities around the country.

Perhaps the highest single priority of the FCC must be, therefore, to move ahead with speed, intense focus and tenacity to free up underused broadcast spectrum and bring long-allocated AWS spectrum to market for wireless use.

- *Incentive Auctions.* The FCC must maintain its momentum and progress in implementing the spectrum incentive auctions. To be fully successful, these auctions must maximize the amount of licensed spectrum made available for consumers’ mobile broadband use and

guarantee that all qualified entities are able to participate fully so they can acquire the spectrum they need to build out the additional capacity their subscribers are demanding.

- *AWS-3 Auction.* The FCC should adopt service rules and auction procedures for the AWS-3 spectrum, including pairing 1755-1780 MHz with the 2155-2180 MHz band, as quickly as possible in light of the statutory deadline to auction and license that spectrum by February 2015. The Commission should also work closely with NTIA to ensure the clearing of federal systems from the 1755-1780 MHz band to the maximum extent possible.

Continuing Efforts to Repurpose Federal Spectrum. The FCC can and should play an important role as a resource to the President's spectrum policy team as it works to promote the more efficient use of federal spectrum and to facilitate commercial access to underutilized spectrum.

In particular, the FCC should be an active voice in four areas:

- In developing policies for the sharing of classified, sensitive or proprietary information regarding federal operations.
- Engaging in helping to develop innovative new incentives for federal agencies to share or relinquish spectrum.
- Regarding spectrum sharing, the FCC should play an important role in the development of effective and technically feasible spectrum management practices.
- In conjunction with NTIA, continuing work to identify additional government spectrum assets for reallocation, and in so doing, help wring abundance from scarcity for our broadband hungry American public.

Making More Unlicensed Spectrum Available Above 3 GHz. Unlicensed spectrum continues to be a successful, complementary platform for wireless innovation, and helps deliver speed and capacity to consumers by enabling the efficient offload of mobile traffic from congested, licensed spectrum onto less congested, unlicensed spectrum. The 3.5 GHz and 5 GHz bands are particularly well suited for this purpose. The Commission should move forward to make the 3.5 GHz band available for commercial use on a shared basis – including a portion for unlicensed use, as recently proposed – and move swiftly to adopt rules governing the 5 GHz band.

Facilitating Broadband Deployment. The Commission can facilitate mobile broadband deployment by continuing its focus on removing barriers to infrastructure siting. The Commission's recent issuance of its infrastructure NPRM – which proposes to expedite environmental review of small cells and DAS systems, codify the temporary towers exemption, clarify the meaning of key terms in Section 6409(a) of the Spectrum Act, and clarify aspects of the Shot Clock – was a step in the right direction. The Commission should continue its progress in streamlining the infrastructure deployment process and move quickly to adopt these proposals.

Emphasizing Market Forces Rather Than Regulatory Burdens. We could not agree more with the point you made in your confirmation hearing that when it comes to our nation's mobile future, "competitive markets produce better outcomes than regulated or uncompetitive markets." Indeed, by hewing to a pragmatic, market-based approach to regulation of the competitive wireless sector, the FCC will do more to advance and strengthen the historic compact between networks and users you have spoken of, while in parallel enabling competition, innovation and investment to thrive. One example of this principle has been the FCC's now tried-and tested spectrum screen approach to evaluating aggregation in auction and secondary market transactions on a case-by-case basis. The

Commission should embrace these lessons – and best practices – of its recent history and avoid imposing caps that arbitrarily constrain the ability to respond to consumer demand.

Thank you for your consideration of these suggestions. And please know my colleagues and I at Mobile Future look forward to working with you and your team at this potentially defining moment in our nation's mobile broadband journey.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Spalter". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Jonathan Spalter, Chair
Mobile Future

cc: Ruth Milkman
Renee Gregory